

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for RELIANCE
INSURANCE COMPANY,

Plaintiff,

-against-

THE DORMITORY AUTHORITY – STATE OF
NEW YORK, et al.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF
NEW YORK AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

-against-

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X
TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth-Party Plaintiffs,

-against-

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth-Party Defendants.

-----X

Civil Action No. 07 CV 6915
(DLC)

ECF CASE

**Notice of Motion to Dismiss
Pursuant to
FRCP Rule 12(b)(6)**

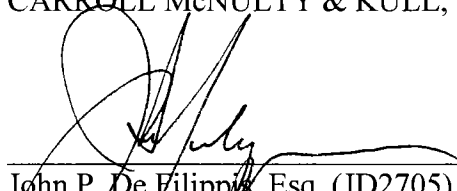
PLEASE TAKE NOTICE, that upon the accompanying Declaration of John P. De
Filippis, Esq., dated February 11, 2008 and the exhibits annexed thereto, and the

accompanying Memorandum of Law, and upon all prior pleadings, papers and proceedings heretofore had herein, Fourth-Party Defendant United States Fire Insurance Company ("U.S. Fire") will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, for an Order:

- (i) dismissing the Complaint of the above-named plaintiff as against U.S. Fire pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and
- (ii) awarding costs and such other and further relief as to this Court shall seem just and proper.

Dated: New York, New York
February 11, 2008

CARROLL McNULTY & KULL, LLC



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